

Amendment
Serial No. 10/647,244
Attorney Docket No. 031011

REMARKS

Claims 1-7 are pending in the present application and are rejected. Claims 1-7 are herein amended.

Applicants' Response to Claim Rejections under 35 U.S.C. §112

Claims 1-7 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Specifically, the Office Action notes that the term “almost” in claim 1 makes the claim vague and indefinite because it is not clear what qualifies as “almost parallel.” In response, Applicants herein amend claim 1 to remove the word “almost.”

Furthermore, the Office Action states that claim 5 is indefinite as to what “respective frames constituting the pair” the supporting members project from. First, it is noted that this language appears in claim 6, not claim 5. This claim is intended to recite that the mast supporting members 49 project outward from either of the frames 17, as illustrated in Figure 10. In response, Applicants herein amend 6 in order to overcome the rejection by clarifying the claimed subject matter. Favorable reconsideration is respectfully requested.

Applicants' Response to Claim Rejections under 35 U.S.C. §102

Claims 1-5 were rejected under 35 U.S.C. §102(b) as being anticipated by Oghita et al. (U.S. Patent No. 5,450,929).

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It is the position of the Office Action that **Oghita** discloses the invention as claimed.

Oghita discloses a crane equipped with a maintenance elevator. The crane includes two posts 12, a carriage 16, and a traveling body 14. Disposed on the traveling body 14 is a horizontal run drive unit 25 including a horizontal run drive means 27, as well as a vertical run drive unit 30 comprising a vertical run drive means 31. Also disposed on the traveling body 14 is control unit 39.

The present application discloses a stacker crane 1 which includes a platform 4, a ladder 6, a mast 3, and a traveling vehicle 2. As illustrated in Figures 2 and 10, traveling carriage 2 includes wheels 9, frames 17, and mast supporting members 49. Travel driving means 20 and elevation driving means 35 are disposed below the mast 3, and below the mast supporting members 49. The travel driving means 20 and the elevation driving means 35 are parallel with the direction in which the vehicle runs, as illustrated in Figures 2-4, 6 and 7. As discussed in the specification at page 1, line 14 to page 2, line 12, this arrangement allows for a more compact construction, which prevents wasting of floor space in a factory. Furthermore, it is noted that control unit 39 is disposed on lower frame 11 of traveling body 14. See column 8, lines 1-7.

The Office Action states that **Oghita** discloses that a longitudinal direction of the horizontal run drive unit 25 and the vertical run drive unit 30 is almost parallel with a direction in which the traveling vehicle runs. The Office Action also states that “**Oghita** discloses traveling driving means and elevation driving means arranged below the mast.” The Office Action cites Figure 4 to show this limitation, which is recited in claim 2. It is unclear what elements of Figure 4 the Office Action is referring to in order to support this position.

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In response to the rejection, Applicants herein incorporate subject matter of claim 2 into independent claim 1. Claim 2 recites that the traveling driving means and the elevation driving means are arranged below the mast.

As mentioned above, the Office Action argues that **Oghita** discloses this feature in Figure 4. However, Applicants respectfully submit that **Oghita** does not disclose that the traveling driving means and the elevation driving means are disposed below the mast. Figure 4 discloses a front view of the maintenance elevator 40 which is disposed on a guide rail 60 on post 12. Below the maintenance elevator is control unit 39.

It is unclear whether the Office Action is arguing that control unit 39 is either of the drive means. However, as disclosed at column 8, lines 3-7, the control unit is a controller, not a drive means. Figure 2, which is a partially cut-away front elevation view, shows control unit 39, vertical drive unit 30 and post 12. Figure 1 shows a partially cut-away side view, where it is clear that none of horizontal run drive unit 25, vertical run drive unit 30 and control unit 39 are arranged below the mast. Therefore, in response to the rejection, Applicants herein amend independent claim 1 in order to recite that the driving means is below the bottom of the mast. Favorable reconsideration is respectfully requested.

With regard to claim 3, the Office Action states that **Oghita** discloses all of the claimed limitations. The Office Action cites only a lengthy passage, and does not state which elements of **Oghita** are regarded as a frame, wheels, and an elevation pulley. The Office Action does not discuss claim 4. However, claim 4 contains the same limitations as claim 3.

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In response to the rejection of claims 3 and 4, Applicants respectfully submit that **Oghita** does not disclose these features. Particularly, **Oghita** does not disclose that wheels are arranged between the pair of frames in the front and rear. As illustrated in Figures 1 and 10, the wheels 20 and 21 are disposed outside of the posts 12. Applicants respectfully traverse the rejection.

Applicants' Response to Claim Rejections under 35 U.S.C. §103

Claims 6 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Oghita et al. in view of Haymore et al. (U.S. Patent No. 5,433,292).

It is the position of the Office Action that **Oghita** discloses the invention as claimed, with the exception of mast supporting members projecting outward from the respective frames, with the mast arranged above the frames and mast supporting members. The Office Action relies on **Haymore** to provide this teaching.

Haymore discloses a stacker having a lower frame 50 and a single mast 28. Attached to lower frame 50 is mast support section 52. This mast support section extends vertically, and is inserted into the mast 28. Please see column 3, lines 29-37.

In response, Applicants first submit that claims 6 and 7 are patentable due to their dependency on independent claim 1. Additionally, Applicants respectfully submit that the combination of **Haymore** and **Oghita** does not disclose the invention as claimed. Specifically, Applicants herein amend claim 6 to clarify that mast supporting members project outward from each frame of the pair of frames, as noted above. Thus, claim 6 requires two mast supporting members and two frames. **Haymore** only discloses a single frame 50 and a single mast

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supporting section 52. Applicants respectfully traverse the rejection. Favorable reconsideration is respectfully requested.

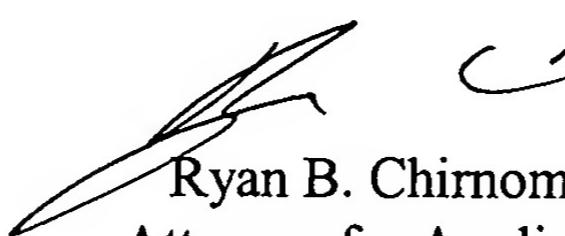
For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned agent.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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